

1978

Minnesota Consumer Law Handbook. By Roger S. Haydock

Warren R. Spannaus

Follow this and additional works at: <http://open.mitchellhamline.edu/wmlr>

Recommended Citation

Spannaus, Warren R. (1978) "Minnesota Consumer Law Handbook. By Roger S. Haydock," *William Mitchell Law Review*: Vol. 4: Iss. 2, Article 12.

Available at: <http://open.mitchellhamline.edu/wmlr/vol4/iss2/12>

This Book Review is brought to you for free and open access by the Law Reviews and Journals at Mitchell Hamline Open Access. It has been accepted for inclusion in William Mitchell Law Review by an authorized administrator of Mitchell Hamline Open Access. For more information, please contact sean.felhofer@mitchellhamline.edu.

© Mitchell Hamline School of Law

BOOK REVIEWS

MINNESOTA CONSUMER LAW HANDBOOK. By Roger S. Haydock.†
St. Paul, Minnesota: North Central Publishing Company. 1977.
Pp. viii, 120. \$3.50 (paperbound).

Reviewed by Warren R. Spannaus††

A few decades ago, consumers were virtually powerless in their transactions with businesses. If a consumer was tricked into purchasing a defective product or paying an exorbitant price, or was otherwise deceived, little could be done about it. The rule of caveat emptor—"let the buyer beware"—was universally recognized but unchallenged.

However, in recent years there have been significant improvements in the rights of consumers when they deal with businesses. As the concept of consumer rights has gained acceptance in the past several years, we have seen the passage of several important pieces of consumer protection legislation, both at the federal¹ and state² levels. Consumers have been given rights that enable them to deal with business on a more equal footing in the marketplace and to protect themselves.

While government has a key role to play in consumer protection and the attorney general's office has been given significant authority to ensure the enforcement of our consumer protection laws,³ their ability to protect consumers is limited.

The progress we have made in consumer protection will be of little value if consumers are unaware of their rights and how to assert them. The *Minnesota Consumer Law Handbook* by Professor Roger Haydock attempts to solve the problems posed by con-

† Professor Haydock received his A.B. in 1967 from St. Mary's College and his J.D. in 1969 from DePaul University. He is an Associate Professor of Law and Clinical Director at William Mitchell College of Law.

†† Attorney General, State of Minnesota. Mr. Spannaus received his B.B.A. from the University of Minnesota in 1958 and his J.D. from the University of Minnesota Law School in 1963. He was elected attorney general in 1970 and reelected in 1974.

1. See, e.g., Consumer Credit Protection Act, 15 U.S.C. §§ 1601-1691 (1976), as amended by Act of May 23, 1977, Pub. L. No. 95-30, § 501(e), 91 Stat. 161; Consumer Product Safety Act, 15 U.S.C. §§ 2051-2081 (1976); Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, *id.* §§ 2301-2312.

2. See, e.g., MINN. STAT. §§ 325.771-.776 (1976) (deceptive trade practices); *id.* §§ 325.821-.824 (odometer tampering); *id.* §§ 325.92-.925 (unsolicited goods); *id.* §§ 325.933-.938 (home solicitation sales); *id.* §§ 325.94-.944 (consumer credit sales); *id.* §§ 325.951-.954 (consumer warranties); *id.* §§ 325.96-.965 (club contracts).

3. See *id.* § 325.907 (1976).

sumers' lack of information concerning their rights and responsibilities. It provides consumers with a comprehensive outline of their rights, in a form that is understandable yet not overly simplistic.

The subtitle, "Your Practical Guide to Legal Rights and Remedies for Minnesota Consumers," emphasizes two of the book's important features. First, the handbook is designed as a guide for consumers to their rights in the marketplace. It is aimed at providing information to consumers directly. The handbook is not intended as a reference work for attorneys, although it might well be very useful to attorneys. Second, the handbook discusses consumers' remedies as well as their rights. It informs consumers of the methods they can employ to translate their rights into favorable responses from the businesses and individuals with whom they deal.

By discussing consumers' remedies, the handbook does more than simply inform consumers of their rights, a subject to which too many publications limit themselves, with the result that consumers are left "in the dark" as to how to ensure that their rights are respected. This book provides consumers with practical information that will enable them to guarantee their rights as consumers.

Haydock's 120-page handbook deals with consumers' rights under both state and federal law. Basic common law principles are also discussed, giving the reader a basic understanding of the principles that govern many of a consumer's daily transactions.

The first chapter discusses contracts. It begins by setting out the principles of the formation of contracts, the terms of a contract and the enforceability of a contract.⁴ The handbook then discusses various specialized contract areas, including door-to-door sales⁵ and contracts with buying clubs or health clubs.⁶ These are areas in which Minnesota law provides consumers with a three-day "cooling off" period and other rights.⁷ The chapter on contracts illustrates to consumers that they enter into contracts daily, not merely when they sign legal documents, and it clarifies for them the terms and importance of these contracts.

Next the handbook discusses warranties. Haydock sets out the

4. See R. HAYDOCK, MINNESOTA CONSUMER LAW HANDBOOK 2-6 (1977).

5. See *id.* at 6-8.

6. See *id.* at 8.

7. See MINN. STAT. §§ 325.933-.938 (1976) (door-to-door sales); *id.* §§ 325.96-.965 (club contracts).

various types of warranties, explaining written, oral, express and implied warranties. The handbook explains in an understandable way the differences between those situations in which a salesperson creates an express warranty and those in which the salesperson's statements may be regarded as only "sales puffing."⁸ The requirements of the federal Magnuson-Moss Warranty Act⁹ are outlined briefly,¹⁰ and Minnesota's recently passed new-home warranty statute¹¹ is discussed.¹² The strongest feature of this chapter is the discussion of remedies available for breach of warranty with concrete examples of each remedy.¹³ These examples provide consumers with useful information on how to apply the abstract concept of warranties to situations which they encounter daily.

The chapter on credit briefly discusses loans, mortgages, installment contracts, credit cards and interest rates. The handbook explains generally the laws that apply to credit applications,¹⁴ the required notices of a denial of a credit application¹⁵ and the methods consumers may use to investigate their own credit ratings.¹⁶

The fourth chapter, which deals with collection methods, sets forth what a creditor or a collection agency may and may not do in an effort to collect a debt. The handbook explains to consumers their rights in such areas as repossessions,¹⁷ wage assignments,¹⁸ garnishments,¹⁹ executions, levies and attachments.²⁰ By providing consumers with information such as what collection methods exceed the bounds of law and what income is exempt from garnishments, the handbook plays a useful role in an area in which overreaching often occurs.

The most useful chapter is probably the fifth, entitled "What You Can Do." In this chapter Haydock illustrates for consumers how to complain effectively, to whom to complain and what infor-

8. See R. HAYDOCK, *supra* note 4, at 19.

9. 15 U.S.C. §§ 2301-2312 (1976).

10. See R. HAYDOCK, *supra* note 4, at 14-18.

11. MINN. STAT. §§ 327A.01-.07 (Supp. 1977).

12. See R. HAYDOCK, *supra* note 4, at 23-24.

13. See *id.* at 24-29.

14. See *id.* at 39-43.

15. See *id.* at 41.

16. See *id.* at 55-56.

17. See *id.* at 61-64.

18. See *id.* at 64.

19. See *id.* at 67-70.

20. See *id.* at 71.

mation to include in written or oral complaints.²¹ He also includes several sample complaint letters, which will be helpful to consumers.²² The handbook sets out the various state, federal and private agencies that handle consumer complaints, including addresses, telephone numbers and brief descriptions of the offices.²³

This chapter also includes information on how consumers may respond as defendants in lawsuits. The methods of suing in conciliation court and collecting on conciliation court judgments are explained in simple terms.²⁴ Haydock is careful to make clear to consumers that there are some situations that are too complex to be handled effectively by a layperson and may therefore require hiring an attorney to represent the consumer's interests.²⁵

The fifth chapter exemplifies Haydock's continuing emphasis on consumers' remedies when their rights have been violated.

The final two chapters deal with debts and sales between consumers. The chapter on debts discusses financial difficulty and how consumers should respond when faced with debts they are unable to meet. The chapter on sales between consumers considers such topics as contract terms in private sales, advertising of private sales, warranties and sales taxes.²⁶ The handbook gives special attention to private sales of automobiles.²⁷ Although they are probably of less importance to consumers than the initial five chapters, the final two chapters provide important information in two areas in which the average consumer lacks information.

Minnesota Consumer Law Handbook does an excellent job of accomplishing its purpose. By considering the effects of Minnesota, federal and the common law on the rights and remedies of Minnesota consumers, the handbook gives consumers a comprehensive view of their rights. Since the book is directed to consumers, it is written in a manner that is understandable to the layperson. The book's emphasis on remedies increases its practical usefulness to consumers.

Any weaknesses the handbook has are due mainly to its limited purpose. It tends to adopt a "black and white" approach in many cases in which a more complex discussion would technically be

21. See *id.* at 77-79.

22. See *id.* at 80-84.

23. See *id.* at 92-100.

24. See *id.* at 86-92.

25. See *id.* at 101-02.

26. See *id.* at 111-13.

27. See *id.* at 115-16.

more accurate. However, because the handbook is directed to laypersons, this “black and white” approach is probably the most effective way to present the material.

The *Minnesota Consumer Law Handbook*, as its subtitle indicates, is truly a “practical guide to legal rights and remedies for Minnesota consumers.”